

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 06 CV 3620 (CBA)

-against-

MILHELM ATTEA & BROS., INC., DAY
WHOLESALE, INC., GUTLOVE & SHIRVINT, INC.,
MAURO PENNISI, INC., JACOB KERN & SONS, INC.,
WINDWARD TOBACCO, INC. and CAPITAL CANDY
COMPANY, INC.

Defendants.
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IT IS HEREBY STIPULATED AND AGREED by and between plaintiff the City of New York and defendants Milhelm Attea & Bros., Inc., and Windward Tobacco, Inc. that the above-captioned action is voluntarily dismissed, with prejudice, against the defendants Milhelm Attea & Bros., Inc. and Windward Tobacco, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(2), without costs or attorneys' fees to any party.

Dated: March 27, 2012
New York, NY

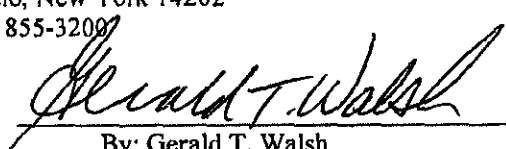
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and Windward Tobacco, Inc., Defendants
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By: Gerald T. Walsh

SO ORDERED:

3/28/12

s/CBA


Carol Bagley Amon
Chief United States District Judge